?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 22.11.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

+W.P.(MD)No.8998 of 2015

#1.K.Mariappan
2.M.S.Raja
3.V.Murugan
4.P.Muniyandi
5.C.Kalirasu ... Petitioners

Vs.

$1.The Secretary to Government,
Government of Tamilnadu
Labour and Employment
Fort St.George, Chennai~600 009.

2.The Chairman (Administration)
TANGEDCO
(formerly Tamil Nadu Electricity Board)
No.800, Annasalai,
Chennai 600 002.

3.The Superintendent Engineer
Madurai Electricity Distribution Circle,
Tamil Nadu Electricity Board,
K.Pudu, Madurai~625 007.

4.The Inspector of Labour / Industrial Adjudicator,
Virudhunagar,
Virudhunagar District. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 herein to absorb the petitioners herein as permanent workers as per the order of the fourth respondent in Na.Ka.No.A/6943/99 dated 08.04.2005 and as confirmed by the final order of this Court dated 11.09.2007 made in W.P.(MD)No.8443 of 2005 considering their past services from 1999, within a reasonable time.

!For Petitioners : Mr.K.Appadurai

^For R1 : Mr.M.Rajarajan

Government Advocate

For R2 to R4 : Ms.P.Malini
for M/s.T.S.Gopalan & Co.,

:ORDER

The petitioners moved the Inspector of Labour seeking conferment of the status of permanency. An order dated 08.04.2005 was passed in their favour. The said order was challenged by the management by filing W.P.(MD)No.8443 of 2005. The writ petition was dismissed as early as on 11.09.2007.

2.Eventhough, the standing counsel for TNEB claimed that they have filed a Writ Appeal, as on date the fact remains that the said order is holding good. When a statutory authority has passed an order in favour of the writ petitioners and the same was also sustained by the learned Judge of this Court by dismissing the writ petition filed by the management, the management is obliged to enforce the same.

3.Therefore, subject to any Writ Appeal that may have been filed by the management, writ of mandamus is issued to the TANGEDCO Management to absorb the petitioners herein as permanent workers. The petitioner will be entitled to appropriate wages from the date of their absorption. Such an order shall be issued by the management within a period of four weeks from the date of receipt of a copy of this order.

4.Accordingly, this writ petition is allowed. No costs.

To

The Secretary to Government,
Government of Tamilnadu
Labour and Employment
Fort St.George,
Chennai~600 009.